



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

**MCPB
ITEM# 5B
5/12/11**

DATE: April 30, 2011

TO: Montgomery County Board of Appeals

VIA: John Carter, Division Chief *JAC*
Area 3 Planning Team

FROM: Elsabett Tesfaye, Planner Coordinator (301) 495-1301 *ET*
Area 3 Planning Team

SUBJECT: **Special Exception S-2802: Norbeck Montessori Day School, Inc.**—Request for a special exception for a private educational institution located on Parcel P147, at 15920 Emory Lane. Olney Master Plan.

FILING DATE: **January 19, 2011**
PLANNING BOARD HEARING **May 12, 2011**
PUBLIC HEARING: **June 3, 2011**

STAFF RECOMMENDATION: Approval with conditions

With the recommended conditions, the proposed use conforms to all applicable requirements and regulations for approval of a private educational institution special exception as specified in the Montgomery County Zoning Ordinance. The applicant has met the burden of proof by showing that the proposed Private educational institute would be operated without detriment to the neighborhood and would not adversely affect the public interest. Moreover, the proposed use is consistent with the recommendations of the 2005 Olney Master Plan.

The landscaping consists of significant number of plant materials, required setbacks, fencing of the outdoor play areas, building orientation, forest conservation easements and existing topographical features that will provide adequate screening and buffering of the proposed use and activities from adjoining properties and roads while at the same time providing a safe environment. The lighting concept as depicted on the lighting plan is appropriate for the proposed use at the subject location.

There are no unacceptable, noise, environmental, illumination, or physical activity impacts associated with the application provided that the recommended conditions are satisfied. Although traffic studies show a reasonable probability that the application will satisfy LATR and PAMR requirements, whether the public facilities and services will be adequate to serve the proposed development under the Growth Policy standards will be determined at the time of subdivision.

Staff recommends approval of special exception S-2802, subject to the following conditions:

1. The school use must be limited to a maximum of 180 students and 34 employees on site at one time.
2. Hours of operation shall be limited to 6:30 a.m. to 6:30 p.m. Monday through Friday, 12 months a year. Events such as an open house, parent/instructor meetings, and special events may occur only between the hours of 9:00 a.m. and 2:30 p.m. on weekends and no later than 9:00 p.m. weekdays.
3. All student drop-offs and pick-ups shall occur on site.
4. Approval by the Planning Board of a Preliminary Plan under Chapter 50 of the Montgomery County Code shall be obtained.
5. The adequacy of public facilities must be determined by the Planning Board at the time of the Preliminary Plan review.
6. On street parking in the vicinity of the site in connection with the Norbeck Montessori School shall be prohibited.
7. The applicant must comply with the approved Preliminary Forest Conservation Plan, the approved Final Forest Conservation Plan, and all applicable stormwater and sediment control regulations.

S-2802



I. APPLICATION SUMMARY

Applicant	Norbeck Montessori Day School, Inc
Location	West side of Emory Lane, approximately 500 feet north of its intersection with Muncaster Mill Road (MD 115)
Site Size Gross site area Net site area	5:00 ac 4.78 ac
Current Zone	RE-1
Master Plan	2005 Olney Master Plan
Proposed Use	Private educational institution for 180 students, 34 employees
Total Building Area (including existing structures)	13,166
Onsite Parking	48 spaces

II. STATEMENT OF THE CASE

The special exception applicant, the Norbeck Montessori Day School, proposes to relocate its existing facility that is currently located on a property leased from the Church of the Nazarene at 4500 Muncaster Mill Road in Rockville. A thirty-year lease agreement that the school entered



with the church expires in 2012. There is no prior approval of a special exception for the school use since it has been operated on a property owned by a religious organization. The proposed new site is located approximately 1/3rd of a mile north of the current school location, at 15920 Emory Lane. The applicant's proposal includes retention of the existing dwelling and a barn, removal of a swimming pool, and addition

of four new, one-story, class room buildings that are linked to each other by a wooden deck. The proposed development, including the existing structures that will be retained, will have a total building area of 13,166 square foot.

The subject school will have a maximum of 180 children ranging in age from 2 years old to six years old. The facility would have a total 34 full and part-time employees. Hours of operation for the facility will be Monday to Friday from 7:00 a.m. to 6:00 p.m. Employees would arrive before 6:30 a.m. and depart after 6:30 p.m. The applicant's statement indicates that the main instructional period will be from 9:30 a.m. until 3:30 p.m. The program provides before and after-school care for working parents.

The proposed site plan proposes 48 parking spaces, an on-site circulation system including a student drop-off/pick-up area, and two outdoor play areas. The applicant has indicated that the schools current enrolment number stands at 127 students, with a current staffing level of 30 employees. With the proposed 180 students the number of staff increases by 4. The applicant has provided the following breakdown of the number of students and teachers arriving or departing during the morning drop-off and afternoon pick-up to show proposed managing of arrival and departures and on site circulation:

Time	Drop-off/Pick-up	#'s based@180 Students	
		Students Arriving	Teachers on site
Drop-off:			
7:00 a.m. – 8:00 a.m.	Parent will park vehicle and escort children to buildings (11% of students arrive at this time)	20	12
8:00 a.m. – 9:00 a.m.	Parent will park vehicle and escort children to buildings (33% of students arrive at this time)	59	20
9:10 a.m. – 9:30 a.m.	Parents drive children to gates, staff escorts children to their classes (56% of students arrive at this time)	101	21

Time	Drop-off/Pick-up	Students	Teachers
		Departing	on site
Pick-up:			
12:10 p.m. – 12:30 p.m.	Parent pull up to the gate, teacher assists children into their car and there is no parking (19% of the students depart at this time)	34	26
3:30 p.m. – 4:30 p.m.	Parent parks and picks up children from inside the buildings (49% of students depart at this time)	88	21
4:30 p.m. – 6:30 p.m.	Parent parks and picks up children from inside the buildings (32% of students depart at this time)	58	11

The applicant proposes a total of 34 full and part-time employees. As noted, the school currently has 30 staff members, of which 17 are full-time and 13 are part-time employees. The applicant has provided the following breakdown of the number of staff on the schools ground at the various times during a given school day.

<u>Time</u>	<u>Staff up to 180 Students</u>
7:00 a.m.	3
8:00 a.m.	13
9:00 a.m.	23
10:00 a.m.	23
11:00 a.m.	24
12:00 p.m.	26
1:00 p.m.	27
2:00 p.m.	25
3:00 p.m.	21
4:00 p.m.	11
5:00 p.m.	6
6:00 p.m.	4

There are no regular delivery trucks coming to the facility. Trash will be picked up, twice a week, between the hours of 10 a.m. and -11 a.m., in keeping with the existing trash pick-up schedule for the school.

The school operates a summer day camp outside of the regular academic school year with the same hours of operation for before and after-school/camp care. Thus, the arrivals and departures are staggered throughout the day, similar to the regular school year.

III. PROPERTY DESCRIPTION

The property is located on the west side of Emory Lane, approximately five 500 Feet north of its intersection with Muncaster Mill Road (MD 115) in Rockville, it consists of 5.0 acres of an unsubdivided parcel of land. The property is zoned RE-1 and is currently improved with a single family dwelling that was constructed in 1936, a large barn, a shed, an outdoor swimming pool, and a large concrete pad. The property is also characterized by slopes, large mowed grass areas and existing forest area. The property also contains two springs. About 1/3rd of the property is located within a stream valley buffer. The property is accessed from Emory Lane via a long narrow driveway that leads to the center of the property where the existing single family-dwelling is located.

IV SURROUNDING AREA

The area surrounding the property is generally bounded by the following:

- North:** Intercounty Conector (ICC)
- East:** Georgia Avenue (MD 97)
- South:** Mannor Run and Hannans Way
- West:** North Branch stream Valley Park



The surrounding area is generally characterized by single family residential dwellings on large lots, parkland and undeveloped parcels in the RE-1, RE-2, RE-1/TAR and R-200 Zones

The northern boundary of the neighborhood is defined by the newly opened Intercounty Connector (ICC). The property is surrounded by single-family dwellings north and south, including a registered historic property (south), and parkland

(west), all in the RE-Zone. Three of the four properties located across Emory Lane confronting the property are also developed with single-family dwellings with the remaining one being vacant. All four of the confronting properties are also zoned RE-1.

V. PLANNING AND ZONING HISTORY

The area within which the property is located was placed in the R-R (Rural Residential) Zone prior to 1967 (staff was unable to determine the initial zoning date). With the adoption of the 1967 *Sectional Map Amendment (SMA) F-998 for Olney*, the property was rezoned to Residential Estate (R-E-later renamed RE-1). The 2005 Olney Sectional Map amendment (G-838) retained the property in the RE-1 Zone.

VI. MASTER PLAN

The proposed Special Exception is consistent with the *Approved 2005 Olney Master Plan*. The Master Plan does not provide specific recommendations for the property, and it does not identify particular areas that are deemed suitable for the proposed use. However, the plan does make specific recommendations for special exception uses in the area discouraging excessive imperviousness. The Master Plan also recommends compatibility with existing neighborhoods in terms of massing, bulk and design of buildings, parking facility design and lighting (see attached Community based design comments dated April 11, 2011).

VII. COMMUNITY CONCERNS

In response to staff's inquiry about community outreach, the applicant indicated that a presentation was made on the proposed special exception and a related Preliminary Plan application to members of the community in the evening of February 24, 2011. The session included discussions, questions and answers on various issues and concerns of the community. (See attached meeting minutes submitted by the applicant) the meeting was held at the Norbeck Montessori Day School 4500 Muncaster Road, Rockville (the current school location). The session was attended by approximately 25 to 30 people (including 7 from the applicant's team).

Subsequent meetings were also held with the representatives of the Olney Chamber of Commerce (April 6, 2011), and the Greater Olney Civic Association (GOCA) on April 12, 2011.

At the time of this writing, staff has not received any direct comments from the community either in support or in opposition to the proposal. Two letters of support from individuals associated with the school (a long time teacher at the school, and parents of children attended the school) have been submitted into the record of the case.

VIII. TRANSPORTATION

Upon reviewing the applicant's traffic study, staff found the proposed access for vehicular and pedestrian movement surrounding the site and on Emory Lane to be safe, provided that the recommended conditions are met. Staff concluded that the weekday morning and evening peak-hour capacity analysis presented in the traffic study and the supplemental transportation analysis provided by the applicant indicate that all intersections would operate within the acceptable congestion standard of 1450 Critical Lane Volume for the Olney Policy Area (See attached memo from Transportation Planning). The special exception application meets the LATR requirements of the APF review.

According to the Growth Policy, in the Olney Policy Area, 10 percent of new trips must be mitigated as part of the PAMR requirements. The proposed 180-student and 34-staff will generate a maximum of 86 total evening peak hour trips with 18 new (primary) peak hour trips. Staff finds that with payment of the required PAMR fee, the subject application meets the PAMR requirements of the APF review.

Although the Transportation Planning analysis indicates that traffic studies show a reasonable probability that the application will satisfy LATR and PAMR requirements, a final determination on whether the public facilities and services will be adequate to serve the proposed development under the Growth Policy standards will be determined at the time of subdivision.

Staff has also stated that the proposed access driveway from Emory Lane was analyzed for adequacy of the sight distance using the MCDOT's sight distance evaluation criteria and has offered the following comments:

... The results of the sight distance evaluation indicates that the sight distance coming out of the driveway looking right toward Muncaster Mill Road (MD 115) is vertically not adequate. Applicant will modify grades along frontage to achieve the required sight distance. Staff finds that with improving the sight distance, the proposed access point is adequate to accommodate the site-generated traffic. Staff has also reviewed the proposed internal traffic/pedestrian circulation system including on-site queuing and stacking area shown on the site plan and finds them to be adequate.

Staff has recommended the following transportation related conditions for the future preliminary plan of subdivision:

1. Total proposed Private Educational Institution is limited to 180 children and 34 staff.

2. Prior to release of the building permit, the applicant must modify grades along Emory Lane frontage to achieve the Montgomery County Department of Transportation (MCDOT) required sight distance.
3. The applicant must make a lump sum payment of \$22,600 prior to obtaining the building permit to mitigate the PAMR required 3 peak-hour trips.

IX. ENVIRONMENT

In its April 19, 2011 memorandum, staff indicated conditional support for the Special Exception and offered the following general comments on the application:

The property contains two springs. The first spring is located in the northwest corner of the property. There is a small pond at this location and the spring feeds an intermittent stream that flows along the western property line. The majority of this stream is located off-site on M-NCPPC parkland. The second spring is located in the southwestern corner of the property. This spring feeds a second intermittent stream that flows off-site in a southerly direction. Both of these streams drain into the North Branch Rock Creek, a Use III waterway. There are no wetlands or 100-year floodplain located on the property; however, there is a large wetland area and floodplain located adjacent to the property. There are steep slopes ($\geq 25\%$) and highly erodible soils on site and these features are also primarily located in the southwestern corner of the property. This property is not located within a Special Protection Area (SPA), nor is it located within the Patuxent River Primary Management Area (PMA).

X. SUBDIVISION

This property is not recorded by record plat. It will be required to go through the subdivision process for a review of Adequate Public Facilities and compliance with subdivision regulations. The property must be recorded by plat before a building permit is issued.

XI. HISTORIC PRESERVATION

The Historic Preservation Staff has offered the following comments:

15910 Emory Lane, the adjacent property to the south of the subject property, is listed in the Master Plan for Historic Preservation (#23/11, the Nathan Shaw House/Muncaster Miller's House). Historic Preservation staff note that the proposed intensity of use called for in the above-referenced petition is out of character with the historic site's setting. However, staff recognizes that the applicants have revised their proposal to provide considerable greenscaping to mitigate any visual impact on the adjacent historic resource.

As noted by the Historic Preservation staff the applicant has revised the landscape plant to add a generous amount of evergreen trees along the southern property line to ensure adequate screening of the proposed development from the adjacent historic property.

XII. GENERAL DEVELOPMENT STANDARDS (§ 59-G-1.23)

- a. **Development Standards-59-G-1.23 (a):** Special exceptions are subject to the development standards of the applicable zone where the special exception is located, except when the standard is specified in Section G-1.23 or in Section G-2.

The following table summarizes the relevant development standards for the RE-1 Zone that are applicable to the proposed special exception request:

Current Development Standard: RE-1	Standard	Proposed
Minimum Lot Area 59-C.1.322 (a)	40,000 sf	217,937 sf (5ac)
Minimum Lot width:59-C.1.322 (b):		
• @ Front building line	125 ft	330.5+ feet
• @ Street line	25 ft	344.5+ ft
Minimum Building Setback:59-C.1.323:		
(a) Front (From Street)	50 ft	210ft
(b) Side		
▪ One side (south)	17 ft	20ft
▪ Sum of both sides(east)	35 ft	210ft
▪ Rear	35 ft	235 ft
Minimum Building Setback for an accessory Building §59-C-326(a)(3):		
Existing Residence/Barn:		
• From Street Line	80ft	270 ft/270 ft
• From a rear lot line	35 ft (BRL)	NA/214
• From a side lot line	15 ft	73/57 ft
Maximum Building Height 59-C.1.327:		
• Proposed Class Room/Administration Bldg	50 ft	22ft
• Existing Residences (accessory bldg)	N/A	24ft
• Existing Barn (accessory bldg)	N/A	14ft
Maximum Building Coverage 59-C.1.328	15%	10.7%

- b. **Parking Requirements—59-G-1.23 (b):** Special exceptions are subject to all relevant requirements of Article 59-E.

Section 59-E-3.7—Parking requirements

Educational Institution, Private: One parking space for each employee, including teachers and administrators, plus sufficient off-street parking space for the safe and convenient loading and unloading of students, plus additional facilities for all student-parking.

The site plan provides a total of 48 parking spaces, including two handicap spaces. The proposed parking spaces are sufficient to accommodate the parking needs of 34 employees (full and part-time) as well as parents and visitors. Given the age of children, 2 year-old to 6 year-old, there will be no need for accommodations for student parking.

Arrivals and departure times of both students and staff are staggered. The applicant has indicated that the schools current enrolment number stands at 127 students, below the proposed 180-student enrolment level.

There are no regular delivery trucks coming to the facility.

- c. **Forest Conservation-59-G-23 (d): If a special exception is subject to Chapter 22A, the Board must consider the Preliminary Forest Conservation Plan required by that Chapter when approving the special exception application and must not approve a special exception that conflicts with the preliminary forest conservation plan.**

The site is subject to Chapter 22A Montgomery County Forest Conservation Law. Preliminary Forest Conservation Plan (PFCP) recommendations are reviewed by the Planning Board as a regulatory item, separate from the Board's review of the special exception application. Staff is recommending approval of the PFCP, with conditions.

This special exception site is also subject to Chapter 22A-21 of the Montgomery County Forest Conservation Law, which requires that a variance from Section 22A-12(b)(3)(C) be granted by the Planning Board for the proposed impact to the critical root zone (CRZ) of a 36-inch DBH sugar maple. Staff is recommending approval of the requested variance.

- d. **Signs—59-G-23(f): The display of a sign must comply with Article 59-F.**

The site plan shows an 18-square foot, ground mounted identification sign located approximately 45 feet behind the right-of-way. The sign would be constructed with field stone to match the existing house. A wood and vinyl panel with etched letters would be mounted to the 6feet wide and 3 feet high stone wall.

The applicant has provided details of the proposed monument sign which meets the allowable size and setback requirements for places of assembly in residentially zoned areas. All signs placed on the property must meet the requirements of Section 59-F-4.2 (a) in terms of number, location and size and Section 59-F-4.1 (e) regarding illumination.

- e. **Building compatibility in residential zones (59-G-1.23(g)): Any structure that is constructed, reconstructed or altered under a special exception in a residential zone must be well related to the surrounding area in its sitting, landscaping, scale, bulk, height, materials, and textures, and must have a residential appearance where appropriate. Large building elevations must be divided into distinct planes by wall offsets or architectural articulation to achieve compatible scale and massing.**

The exterior of the proposed four new buildings appears residential and incorporates several features of a single-family detached home including a residential type entrance, windows and low roofing. The existing dwelling and barn will be retained as part of the proposed development of the site. The design and scale of the new building maintain compatibility with that of the existing residential structure and barn. The surrounding area characterized by residential uses of semi-rural nature. The proposed design of the

building will be appropriate and relates well with the characteristics of existing buildings in the area.

- f. **Lighting in residential zones —59-G-23(h): All outdoor lighting must be located, shielded, landscaped, or otherwise buffered so that no direct light intrudes into an adjacent residential property. The following lighting standards must be met unless the Board requires different standards for a recreational facility or to improve public safety:**
- (1) **Luminaires must incorporate a glare and spill light control device to minimize glare and light trespass.**
 - (2) **Lighting levels along the side and rear lot lines must not exceed 0.1 foot candles.**

The lighting plan adequately and efficiently covers the main vehicular access to the site, as well as the parking areas, in order to create a safe vehicular and pedestrian environment. The applicant's statement indicates that small residential-style light poles with the maximum height of 8 feet will be located along the perimeter of the parking area. These lights will be photo sensor controlled lights. All parking area lighting will be turned off automatically at 8:00 p.m. In addition, motion sensitive lighting will be installed on the rear of the existing barn and on the west side of the westernmost building to provide additional security.

The proposed lighting will not cause glare on adjoining properties, nor will it exceed the 0.1 foot-candle standard at the side and rear property lines. A photometric study was submitted with the application to show that the proposed development satisfies this requirement.

XI. STANDARD FOR EVALUATION (59-G-1.2.1)

A special exception must not be granted without the findings required by this Article. In making these findings, the Board of Appeals, Hearing Examiner, or District Council, as the case may be, must consider the inherent and non-inherent adverse effects of the use on nearby properties and the general neighborhood at the proposed location, irrespective of adverse effects the use might have if established elsewhere in the zone. Inherent adverse effects are the physical and operational characteristics necessarily associated with the particular use, regardless of its physical size or scale of operations. Inherent adverse effects alone are not a sufficient basis for denial of a special exception. Non-inherent adverse effects are physical and operational characteristics not necessarily associated with the particular use, or adverse effects created by unusual characteristics of the site. Non-inherent adverse effects, alone or in conjunction with inherent adverse effects, are a sufficient basis to deny a special exception.

As established in previous special exception cases, seven criteria are used to identify the physical and operational characteristics of a use. Those criteria are size, scale, scope, lighting, noise, traffic, and the environment. What must be determined is whether these effects are acceptable or

would create adverse impacts sufficient to result in denial. The inherent, physical and operational characteristics associated with a child day care center are (1) buildings adequate to house the students and activities (2) parking facilities, (3) lighting, (4) drop-off and pick-up areas, (5) outdoor play areas;(6) noise from outdoor activities (7) long hours of operation (8) occasional special events (9) faculty and support staff; and (10) vehicular trips to and from the site associated with students, staff, supply deliveries and trash pickup.

Many of the characteristics of the proposed special exception are inherent. The four individually standing buildings are designed in a manner that complements the surrounding residential and rural characteristics of the surrounding development in terms of scale, massing, architectural features, building materials and orientation. The proposed access driveway, internal vehicular circulation system, and the onsite parking areas shown on the site plan are operational characteristics associated with a private school

The location of the property adjacent to a historic designated property is a non-inherent adverse effect created by unusual characteristics of the site. In response to staff concern regarding screening of the proposed use from the adjacent Historic property, the applicant has revised the Landscape plan to provide, "considerable greenscaping" (as noted by the Historic preservation staff). In view of the revisions to the landscape plan, staff concludes that the adjacent Historic property is adequately screened and buffered from the proposed use.

The proposed private school is consistent with all applicable standards of the RE-1 zone and satisfies all applicable requirements to approve a Private Educational Institution Special Exception. Based on the traffic analysis, the vehicular and pedestrian movements surrounding the site and on Emory Lane would be safe, adequate, and efficient. The lighting concept as depicted on the lighting plan is appropriate for the proposed use at the subject location.

With the recommended conditions of approval of the Special Exception, the inherent and non-inherent impacts associated with the proposed use do not rise to a level sufficient to warrant a denial of the application.

XII. GENERAL CONDITIONS (59-G-1.21)

(a) A special exception may be granted when the Board, the Hearing Examiner, or the District Council, as the case may be, finds from a preponderance of the evidence of record that the proposed use:

(1) Is a permissible special exception in the zone.

The proposed use is permitted by special exception in the RE-1 zone.

(2) Complies with the standards and requirements set forth for the use in Division 59-G-2. The fact that a proposed use complies with all specific standards and requirements to grant a special exception does not create a presumption that the use is compatible with nearby properties and, in itself, is not sufficient to require a special exception to be granted.

The proposed special exception satisfies the standards and requirements for approval of a Private Educational Institution use (59-G-2.19).

- (3) **Will be consistent with the general plan for the physical development of the District, including any master plan adopted by the Commission. Any decision to grant or deny a special exception must be consistent with any recommendation in a master plan regarding the appropriateness of a special exception at a particular location. If the Planning Board or the Board's technical staff in its report on a special exception concludes that granting a particular special exception at a particular location would be inconsistent with the land use objectives of the applicable master plan, a decision to grant the special exception must include specific findings as to master plan consistency.**

The proposed use does not conflict with the 2005 Olney Master Plan. The plan does not provide specific recommendation for the subject property. The Environmental Recourse Section of the Plan emphasizes on the need to minimize levels of imperviousness associated with special exception uses in order to protect water quality in the Upper Rock Creek watershed that is currently in the good-to-excellent range. The applicant has provided data that shows that the imperviousness associated with the proposed school to be about 20 percent of the property; the existing uses on the property are about 15 percent impervious. Staff reviewed the application's consistency with the recommendations of the Master Plan and offers the following comments:

In the absence of clear indicators that imposed reductions of imperviousness would be beneficial, the increase in imperviousness associated with a use that is, with the additional scrutiny afforded by the special exception process, generally considered acceptable in residential areas, does not constitute a significant negative impact on the environmental health of this portion of the Upper Rock Creek watershed. The levels of imperviousness proposed for this project do not meet a reasonable definition of excessive that would conflict with the Plan's recommendation.

- (4) **Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions and number of similar uses. The Board or Hearing Examiner must consider whether the public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the special exception application was submitted.**

With the proposed conditions, the proposed use will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses. Although the proposed use, by its nature, represents a larger day time population compared to that of the

residential use, the relatively large size of the property coupled with substantial setbacks, extensive landscaping, screening and buffering mitigate any potential negative impacts. Analysis of future transportation and traffic conditions show that the new trips generated by the proposed use are not likely to have a significant impact on the residential neighborhood or the roads. Adequate off-street parking spaces are provided to satisfy the school's parking needs.

- (5) Will not be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.**

The proposed use would not be detrimental to the use, peaceful enjoyment, economic value or development of adjacent properties or the general neighborhood, provided that the applicant complies with the recommended conditions of approval of this application.

The trip generation and intersection capacity associated with the proposed development are judged to be within acceptable limits. Review of the applicant's queuing analysis indicates that the number of vehicles queuing in the future will be reasonably low and will cause no significant delay during most of the AM and PM peak periods.

Landscaping, consisting of a significant number of plant materials, required setbacks, well organized site layout, building orientation, and efficient on and near site circulation patterns will provide adequate screening and buffering of the proposed use and activities from adjoining properties and roads while at the same time providing an environment that is sensitive to the existing semi-rural, low density residential nature of the surrounding area.

- (6) Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.**

The proposed use will not cause objectionable noise, vibrations, fumes, odors, dust, illumination, glare, or physical activity at the site. The use will be adequately screened from the views of neighboring properties. It will generate minimal noise, minimal lighting and glare, and no significant traffic impact. The proposed two outdoor play areas are located at a substantial distance from the nearest residential properties and enclosed by 4-foot high, three-rail fence and screened with substantial planting of a combination of shade, ornamental and evergreen trees as well as various types of shrubs.

- (7) Will not, when evaluated in conjunction with existing and approved special exceptions in any neighboring one-family residential area, increase the number, intensity, or scope of special exception uses sufficiently to affect the area adversely or alter the predominantly residential nature of the area.**

Special exception uses that are consistent with the recommendations of a master or sector plan do not alter the nature of an area

The proposed Special Exception will not increase the number, intensity, and scope of approved special exceptions in the area enough to affect the area adversely or alter its low intensity residential nature. As it has done for the past 35 years, the proposed use would continue to provide a valuable service to the community by offering quality education to the children of the area in a well designed and nurturing facility.

- (8) Will not adversely affect the health, safety, security, morals or general welfare of residents, visitors or workers in the area at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.**

With the recommended conditions, the proposed special exception will not adversely affect the health, safety, security, morals or welfare of residents, visitors or workers in the area. The proposed special exception will result in further improving existing landscaping, trees and vegetation, via Forest Conservation requirements and recommended plantings, and will enhance the neighborhood.

- (9) Will be served by adequate public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public facilities.**

(A) If the special exception use requires approval of a preliminary plan of subdivision, the Planning Board must determine the adequacy of public facilities in its subdivision review. In that case, approval of a preliminary plan of subdivision must be a condition of granting the special exception.

(B) If the special exception does not require approval of a preliminary plan of subdivision, the Board of Appeals must determine the adequacy of public facilities when it considers the special exception application. The Board must consider whether the available public facilities and services will be adequate to serve the proposed development under the Growth Policy standards in effect when the application was submitted.

The application is subject to Preliminary Plan review. Although the adequacy of public facilities will be determined by the Board of Appeals at that time, staff has provided the following comments:

Local Area Transportation Review (LATR)

Two intersections were identified as critical intersections affected by the proposed school and were examined in the traffic study to determine whether they meet the applicable congestion standard for this area. The

congestion standard in the Olney Policy Area is 1,450 Critical Lane Volumes (CLV). The result of the CLV analysis is summarized in Table 1.

Table 1: Calculated Critical Lane Volume Values at Studied Intersections

Intersection	Weekday Peak Hour	Traffic Condition		
		Existing	Background	Total
Emory Lane & Site Access	Morning	n/a	n/a	697
	Evening	n/a	n/a	893
Muncaster Mill Rd (MD 115) & Emory lane	Morning	1,352	1,352	1344
	Evening	1,220	1,220	1238

As shown in the above table, all intersections are currently operating at an acceptable CLVs of 1,425 and these acceptable conditions are projected to continue under the background development (the existing traffic plus traffic from the approved/unbuilt developments) and the total future development (the background traffic plus traffic from the site). The morning peak-hour CLV condition at the MD 115/Emory Lane intersection shows a slight improvement in the Total CLV because a small portion of the existing site traffic is re-assigned out of the westbound through lane into the westbound right-turn lane which removes these vehicles from the critical lane on the westbound approach. Staff finds that this Special Exception application meets the LATR requirements of the APF review.

Policy Area Mobility Review (PAMR)

The site is located within the Olney Policy Area where 10 percent of new trips must be mitigated as part of the PAMR requirements according to the Growth Policy. The proposed 180-student and 34-staff will generate a maximum of 86 total evening peak hour trips with 18 new (primary) peak hour trips. In order to mitigate the 10 percent new trips per the PAMR requirement, the applicant will be required to make a lump sum payment of \$22,600 (\$11,300 per new peak-hour trip x 2) prior to obtaining the building permit. Staff finds that with payment of the \$22,600 PAMR fee, this special exception application meets the PAMR requirements of the APF review.

- (b) **Nothing in this Article relieves an applicant from complying with all requirements to obtain a building permit or any other approval required by law. The Board's finding of any facts regarding public facilities does not bind any other agency or department, which approves or licenses the project.**

No finding is required.

- (c) **The Applicant for a special exception has the burden of proof to show that the proposed use satisfies all applicable general and specific standards under this Article. This burden includes the burden of going forward with the evidence, and the burden of persuasion on all questions of fact.**

The applicant has met the burden of proof under Sections Section 59-G-2.19 Private Educational Institution (specific requirements) and 59-G-21(a): General Conditions.

XIII. STANDARDS AND REQUIREMENTS (59-G-2):

Section 59-G-2.19 sets forth the specific standards and requirements for approval of a Private Educational Institution. A child care day care facility for 31 or more children may be approved by the Board of Appeals subject to the regulations in subsections (a) and (b) of the following provisions:

- (a) **Generally. A lot, tract or parcel of land may be allowed to be used for a private educational institution if the board finds that:**
- (1) **the private educational institutional use will not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element which is incompatible with the environment and character of the surrounding neighborhood;**

The private educational institutional use will not constitute a nuisance because of traffic, number of students, noise, type of physical activity, or any other element. The proposed school is directly accessed from Emory Lane. Staff has found that the sight distance coming out of the driveway looking right toward Muncaster Mill Road (MD 115) is vertically less than the required sight distance. The staff has recommended that the applicant modify the grades along the property's frontage to achieve the desired sight distance. The applicant has agreed to make the necessary adjustment by modifying the grades. With the sight distance modified as recommended, the proposed access point will be adequate to accommodate the site-generated traffic. The proposed internal traffic and pedestrian circulation system, including on-site queuing and stacking area shown on the site plan are adequate and promotes a safe and orderly flow of traffic on and near the subject property.

The proposed buildings are designed to complement the existing residential and rural characteristics of the surrounding development in terms of scale, massing, architectural features, building materials and orientation. A combination of generous landscaping, substantial setbacks, fences, and natural topography provide adequate buffering and screening of the proposed use from the surrounding residences and the adjacent historic property.

- (2) **except for buildings and additions completed, or for which a building permit has been obtained before (date of adoption [April 2, 2002]), the private educational institution must be in a building architecturally compatible with**

other buildings in the surrounding neighborhood, and, if the private educational institution will be located on a lot, tract, or parcel of land of 2 acres or less, in either an undeveloped area or an area substantially developed with single-family homes, the exterior architecture of the building must be similar to a single-family home design, and at least comparable to any existing homes in the immediate neighborhood;

The approximately 5-acre property allows for generous setbacks from the Road and the adjoining properties. The design, massing and the setting of the proposed classroom buildings as well as the overall site design complement the architectural characteristics of the existing residential structure on the property and relate to the residential and semi-rural nature of the surrounding neighborhood. The proposed classroom buildings incorporate architectural elements such as dormer windows, covered porches and simulated stones and lap siding blending in with the existing homes in the immediate neighborhood.

- (3) the private educational institution will not, in and of itself or in combination with other existing uses, affect adversely or change the present character or future development of the surrounding residential community; and**

The proposed school will not, affect adversely or change the present character or future development of the surrounding residential community. The school has been operating in the community, about half a mile southwest of the proposed new location, for 37 years without causing any adverse impact to the immediate neighborhood. The school at the proposed location is designed to blend with the prevailing low density residential and semi-rural character of the surrounding area. Outdoor activities are suitably screened with a combination of sizeable setbacks, fences and ample landscaping.

The redevelopment of the property with the proposed Montessori School will enhance the surrounding area. With the recommended conditions, including, improving the sight distance, the proposed access point is adequate to accommodate the site-generated traffic. The proposal provides for safe, sufficient and orderly internal traffic/pedestrian circulation system including on-site queuing and stacking.

- (4) The private educational institution must conform to the following standards in addition to the general development standards as specified in Section G-1.23:**

a. Density—The allowable number of pupils per acre permitted to occupy the premises at any one time must be specified by the Board considering the following factors:

1. Traffic patterns, including:

(a) Impact of increased traffic on residential streets;

- (b) Proximity to arterial roads and major highways;
 - (c) Provision of measures for Transportation Demand Management as defined in Section 42A-21 of the Montgomery County Code;
 - (d) Adequacy of drop-off and pick-up areas for all programs and events, including on-site stacking space and traffic control to effectively deter queues of waiting vehicles from spilling over onto adjacent streets; and
2. Noise or type of physical activity;
 3. Character, percentage, and density of existing development and zoning in the community;
 4. Topography of the land to be used for the special exception; and.
 5. Density greater than 87 pupils per acre may be permitted only if the Board finds that (i) the program of instruction, special characteristics of students, or other circumstances justify reduced space and facility requirements; (ii) the additional density will not adversely affect adjacent properties; (iii) additional traffic generated by the additional density will not adversely affect the surrounding streets.

The applicant originally requested approval for up to 200 students and 40 staff members and latter amended the request by reducing the total numbers to 180 students and 34 staff members. The application represents roughly, 36 students per acre which is substantially lower (by approximately 59%) than the maximum permitted density of 87 student per acre and not likely to adversely affect the surrounding streets.

With the recommended conditions, including, improving the sight distance, the proposed access point is adequate to accommodate the site-generated traffic. The proposal provides a safe, sufficient and orderly internal traffic/pedestrian circulation system which provides for adequate drop-off and pick-up areas for all programs and events including on-site queuing and stacking.

- b. **Buffer—All outdoor sports and recreation facilities must be located, landscaped or otherwise buffered so that the activities associated with the facilities will not constitute an intrusion into adjacent residential properties. The facility must be designed and sited to protect adjacent properties from noise, spill light, stray balls and other objectionable impacts by providing appropriate screening measures, such as**

The buildings, outdoor play areas, the parking area and the trash dumpster are substantially distanced and separated from the nearest residential uses. Moreover, proposed screening and buffering in the form of landscaping, fences, forest conservation easement, topography and recommended supplemental planting along the property line adjacent to the historic property, ensure that the subject property and activities thereon are adequately screened and buffered from adjoining and confronting properties. The lighting concept as depicted on the lighting plan is appropriate for the proposed use at the subject location.

- (b) If a Private Educational Institution operates or allows its facilities by lease or other arrangement to be used for: (i) tutoring and college entrance exam preparatory courses, (ii) art education programs, (iii) artistic performances, (iv) indoor and outdoor recreation programs, or (v) summer day camps, the Board must find, in addition to the other required findings for the grant of a Private Education Institution special exception, that the activities in combination with other activities of the institution, will not have an adverse effect on the surrounding neighborhood due to traffic, noise, lighting, or parking, or the intensity, frequency, or duration of activities. In evaluating traffic impacts on the community, the Board must take into consideration the total cumulative number of expected car trips generated by the regular academic program and the after school or summer programs, whether or not the traffic exceeds the capacity of the road. A transportation management plan that identifies measures for reducing demand for road capacity must be approved by the Board.**

The Board may limit the number of participants and frequency of events authorized in this section.

In response to inquiry, the applicant has indicated that the school operates a summer day camp outside of the regular academic school year with the same hours of operation for before and after-school/camp care. Thus, the arrivals and departures are staggered throughout the day similar to the regular school year. Usually, the number of students attending the camp during the summer months are slightly less than the regular school year. Accordingly, the number of staff also decreases. The applicant further stated that there is no issue of “cumulative” impact as the School does not operate any of the programs listed, with the exception of summer day camp, and the summer day camp is operated in lieu of, not in addition to, the regular school program during the summer months. The summer program would have no unacceptable adverse impacts on the surrounding area.

Based on the review of the operation of the proposed school, staff has determined that there is no need for implementation of a transportation management plan.

- (c) Programs Existing before April 22, 2002*****

Not Applicable

- (d) Site plan.**

- (1) In addition to submitting such other information as may be required, an applicant shall submit with his application a site plan of proposed development. Such plan shall show the size and shape of the subject property, the location thereon of all buildings and structures, the area devoted to parking and recreation facilities, all access roads and drives, the topography and existing major vegetation features, the proposed grading, landscaping and screening plans and such other features necessary for the evaluation of the plan.**

The applicant has submitted a site plan that includes the required elements. In response to staff comment, the applicant has revised the site and landscape plan to identify parking spaces allocated for the residential use, provided additional screening to the adjacent historic property, and add a trash dumpster with screening. The plan also made the applicable adjustments to reflect the reduction in the number of students and staff from originally proposed. Staff has evaluated the site and landscape plans for compliance with the requirements of G-1.23 (General Development Standards) and found them to be in general compliance.

- (2) No special exception, building permit or certificate of occupancy shall be granted or issued except in accordance with a site plan of development approved by the board. In reviewing a proposed site plan of development the board may condition its approval thereof on such amendments to the plan as shall be determined necessary by the board to assure a compatible development which will have no adverse effect on the surrounding community, and which will meet all requirements of this chapter. Any departure from a site plan of development as finally approved by the board shall be cause for revocation of the special exception, building permit or certificate of occupancy, in the manner provided by law.**

The applicant has been made aware of this provision.

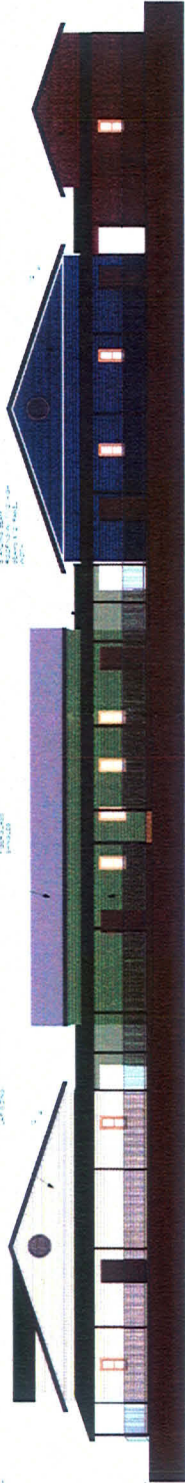
XV. CONCLUSION

Based on the analysis, staff recommends approval of Special Exception Application S-2802, subject to the conditions found at the beginning of this staff report.

Attachments:

- A Plans and Drawings
- B. Referral comments
- C. Community
- D. Supplemental information

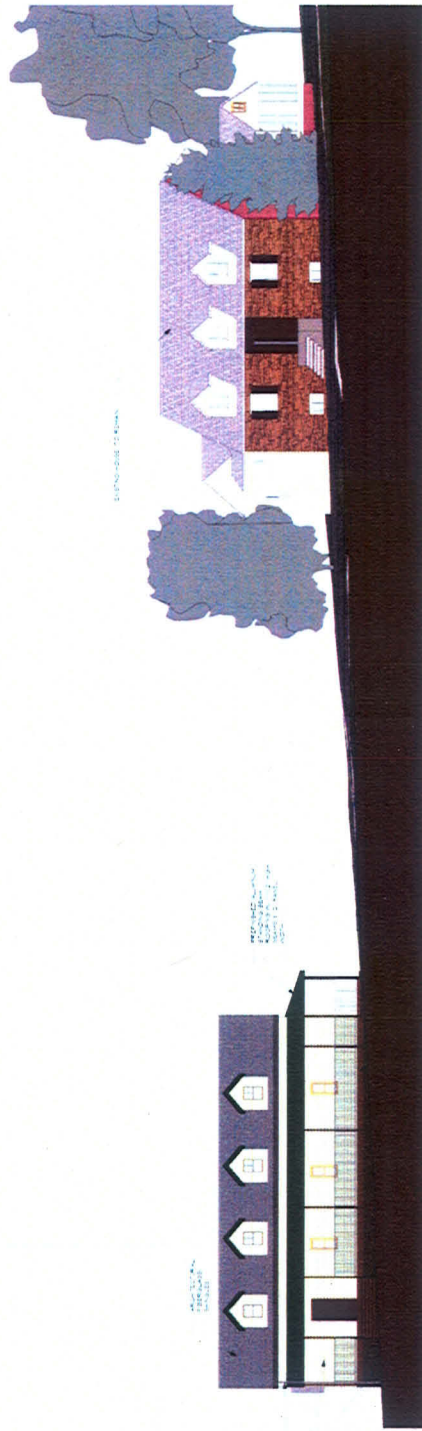
Attachment-A



2 EAST ELEVATION

1. 1/2" = 1'-0"

2. 1/4" = 1'-0"



1 SOUTH (STREET) ELEVATION

1. 1/2" = 1'-0"

2. 1/4" = 1'-0"

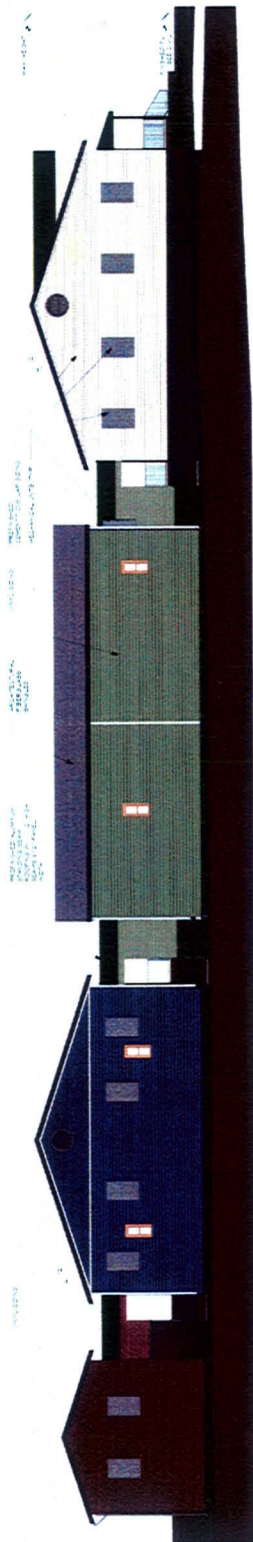
Norbeck Montessori
 School
 15920 Emory Lane
 Rockville, MD 20853

EXTERIOR
 ELEVATIONS

NO.	DATE	DESCRIPTION
1	04-1	REVISED DESCRIPTION

A-301

323 WEST PATRICK ST
 FREDERICK, MD 21701
 TEL: 301-251-1111
 WWW.ZAVOSARCHITECTURE.COM



2 WEST (REAR) ELEVATION
 4.00 10.00 15.00

PROJECT: NORBECK MONTESSORI SCHOOL
 LOCATION: 15920 EMORY LANE, ROCKVILLE, MD 20853
 DATE: 10/2015

Norbeck Montessori School
 15920 Emory Lane
 Rockville, MD 20853

EXTERIOR ELEVATIONS

NO.	DESCRIPTION	DATE
1	EXTERIOR ELEVATIONS	10/2015
2	EXTERIOR ELEVATIONS	10/2015
3	EXTERIOR ELEVATIONS	10/2015
4	EXTERIOR ELEVATIONS	10/2015
5	EXTERIOR ELEVATIONS	10/2015
6	EXTERIOR ELEVATIONS	10/2015
7	EXTERIOR ELEVATIONS	10/2015
8	EXTERIOR ELEVATIONS	10/2015
9	EXTERIOR ELEVATIONS	10/2015
10	EXTERIOR ELEVATIONS	10/2015

A-302

323 WEST PATRICK ST.
 ROCKVILLE, MD 20853
 P: 301.581.1000
 F: 301.581.1001
 WWW.ZAVOSARCHITECTURE.COM



1 NORTH ELEVATION
 4.00 10.00 15.00

Attachment-B



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MEMORANDUM

TO: Elsabett Tesfaye
FROM: Mary Jo Kishter
DATE: April 26, 2011
SUBJECT: Special Exception S-2802
Norbeck Montessori School

STAFF RECOMMENDATION:

Environmental Planning staff recommends transmittal of the Special Exception with the following comments.

DISCUSSION

The 5.0-acre property is located at 15920 Emory Lane, approximately 500 feet north of its intersection with Muncaster Mill Road. The subject property is zoned RE-1 and is covered by the *Olney Master Plan*. The property is currently developed with a house, a barn, a shed, a swimming pool and a gravel outdoor riding arena. The applicant proposes to retain the existing house and barn, relocate the existing driveway, construct four classrooms, two small sheds, and a parking lot for use of the property as a private educational institution. There is 0.49-acre of forest onsite and twenty-nine (29) large or specimen trees located on or adjacent to the property. The property contains area within the environmental buffer that is associated with streams, wetlands and floodplain, located on and offsite. The property is within the North Branch Rock Creek, a Use III watershed.

Forest Conservation

This property is subject to the Montgomery County Forest Conservation Law, and a preliminary Forest Conservation Plan, including a variance request for impacts to the critical root zone of a 36-inch DBH sugar maple, has been recommended for approval with conditions as a separate Planning Board item. The Forest Conservation Plan proposes to protect the 1.47 acre environmental buffer in a Category I Conservation Easement. This easement will include 0.49-acre of existing forest and 0.51 acres of proposed reforestation. The remaining 0.47 acres of environmental buffer will be allowed to regenerate into a forest condition.

The applicant submitted a variance request on February 24, 2011. The applicant currently proposes to impact the critical root zone (CRZ) of one tree that is 30 inches and greater, DBH, a 36-inch DBH sugar maple (*Acer saccharum*) that has been determined to be in "fair" condition. This tree is located behind the existing residence and the CRZ is currently impacted by the existing driveway and barn.

Environmental Guidelines

The property contains two springs. The first spring is located in the northwest corner of the property. There is a small pond at this location and the spring feeds an intermittent stream that flows along the western property line. The majority of this stream is located off-site on M-NCPPC parkland. The second spring is located in the southwestern corner of the property. This spring feeds a second intermittent stream that flows off-site in a southerly direction. Both of these streams drain into the North Branch Rock Creek, a Use III waterway. There are no wetlands or 100-year floodplain located on the property; however, there is a large wetland area and floodplain located adjacent to the property. There are steep slopes ($\geq 25\%$) and highly erodible soils on site and these features are also primarily located in the southwestern corner of the property. This property is not located within a Special Protection Area (SPA), nor is it located within the Patuxent River Primary Management Area (PMA).

Special Exception Required Finding

In the Zoning Ordinance, there are required findings in Section 59-G-1.21(a). Required finding (6) reads as follows:

- (6) *Will cause no objectionable noise, vibrations, fumes, odors, dust, illumination, glare or physical activity at the subject site, irrespective of any adverse effects the use might have if established elsewhere in the zone.*

Staff finds nothing inherent in the operation of the proposed use that would be considered objectionable in the areas cited above, so long as County regulations regarding noise (Chapter 31B) and trash/dumpster pickup (Chapter 48-21) are followed.



MONTGOMERY COUNTY PLANNING DEPARTMENT

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

April 18, 2011

MEMORANDUM

TO: Elsabett Tesfaye
Planning Area 3 Team

FROM: Ki H. Kim, Transportation Planner *KNK*
Planning Area 3 Team

SUBJECT: Norbeck Montessori Day School - Olney
Special Exception Case No. S-2802

This memorandum represents Transportation Planning staff's Adequate Public Facilities (APF) review and recommendations on the subject special exception application for a proposed Norbeck Montessori Day School to be located along the west side of Emory Lane, north of Muncaster Mill Road (MD 115) in the Olney area.

RECOMMENDATION

Based on our review of the site plan and the traffic analysis submitted by the applicant, staff recommends the following conditions as part of the APF test related to approval of the subject special exception application:

1. Total development under this special exception is limited to 180 children and 34 staff.
2. Prior to release of the building permit, the applicant must modify grades along Emory Lane frontage to achieve the Montgomery County Department of Transportation (MCDOT) required sight distance.
3. The applicant must make a lump sum payment of \$22,600 prior to obtaining the building permit to mitigate the PAMR required 3 peak-hour trips.

DISCUSSION

Local Area Transportation Review (LATR)

Two intersections were identified as critical intersections affected by the proposed school and were examined in the traffic study to determine whether they meet the applicable congestion standard for

this area. The congestion standard in the Olney Policy Area is 1,450 Critical Lane Volumes (CLV). The result of the CLV analysis is summarized in Table 1.

Table 1: Calculated Critical Lane Volume Values at Studied Intersections

Intersection	Weekday Peak Hour	Traffic Condition		
		Existing	Background	Total
Emory Lane & Site Access	Morning	n/a	n/a	697
	Evening	n/a	n/a	893
Muncaster Mill Rd (MD 115) & Emory lane	Morning	1,352	1,352	1,344
	Evening	1,220	1,220	1,238

As shown in the above table, all intersections are currently operating at an acceptable CLVs level of 1,425 and these acceptable conditions are projected to continue under the background development (the existing traffic plus traffic from the approved/unbuilt developments) and the total future development (the background traffic plus traffic from the site). It is noted that the morning peak-hour CLV condition at the MD 115/Emory Lane intersection show a slight improvement in the Total CLV because a small portion of the existing site traffic is re-assigned out of the westbound through lane into the westbound right-turn lane which removes these vehicles from the critical lane on the westbound approach. Staff finds that this special exception application meets the LATR requirements of the APF review.

Policy Area Mobility Review (PAMR)

The site is located within the Olney Policy Area where 10% of new trips must be mitigated as part of the PAMR requirements according to the Growth Policy. The proposed 180-student and 34-staff school will generate a maximum of 86 total evening peak hour trips with 18 new (primary) peak hour trips. In order to mitigate the 10% new trips per the PAMR requirement, the applicant will be required to make a lump sum payment of \$22,600 (\$11,300 per new peak-hour trip x 2) prior to obtaining the building permit. Staff finds that with payment of \$22,600 PAMR fee, this special exception application meets the PAMR requirements of the APF review.

Site Access and Vehicular/Pedestrian Circulation

The site is proposed to gain one access from Emory Lane. The proposed driveway was analyzed for adequacy of the sight distance using the MCDOT's sight distance evaluation criteria. The results of sight distance evaluation indicate that the sight distance coming out of the driveway looking right toward Muncater Mill Road (MD 115) is vertically not adequate. Applicant will modify grades along frontage to achieve the required sight distance. Staff finds that with improving the sight distance, the proposed access point is adequate to accommodate the site-generated traffic. Staff has also reviewed the proposed internal traffic/pedestrian circulation system including on-site queuing and stacking area shown on the site plan and finds them to be adequate.

Summary

Transportation Planning staff concludes that the granting of the Special Exception for proposed Norbeck Montessori Day School satisfies the LATR/PAMR requirements of the APF review with conditions as described in this memo.

Tesfaye, Elsabet

From: Whipple, Scott
Sent: Wednesday, April 13, 2011 1:10 PM
To: Tesfaye, Elsabet
Subject: FW: REVISED COMMENTS: Board of Appeals Petition No. S-2802 --

The subject property, at 15920 Emory Lane, Rockville, is not identified in the Locational Atlas or designated in the Master Plan for Historic Preservation.

However, 15910 Emory Lane, the adjacent property to the south of the subject property, is listed in the Master Plan for Historic Preservation (#23/11, the Nathan Shaw House/Muncaster Miller's House). Historic Preservation staff note that the proposed intensity of use called for in the above-referenced Petition is out of character with the historic site's setting. However, staff recognizes that the applicants have revised their proposal to provide considerable greenscaping to mitigate any visual impact on the adjacent historic resource.

Scott D. Whipple, Supervisor

Historic Preservation Section | Functional Planning and Policy Division

Montgomery County Planning Department | M-NCPPC

Office: 1400 Spring Street, Suite 500 | Silver Spring

Mail: 8787 Georgia Avenue | Silver Spring MD 20910

301-563-3400 phone | 301-563-3412 fax

scott.whipple@montgomeryplanning.org | www.montgomeryplanning.org/historic/

From: Whipple, Scott
Sent: Monday, March 21, 2011 1:53 PM
To: Tesfaye, Elsabet
Subject: Board of Appeals Petition No. S-2802

The subject property, at 15920 Emory Lane, Rockville, is not identified in the Locational Atlas or designated in the Master Plan for Historic Preservation.

However, 15910 Emory Lane, the adjacent property to the south of the subject property, is listed in the Master Plan for Historic Preservation (#23/11, the Nathan Shaw House/Muncaster Miller's House). Historic Preservation staff is concerned that the proposed intensity of use immediately adjacent to the historic site is out of character with its setting. Should the Board support Petition No. S-2802, Historic preservation staff recommends the addition of a condition to require screening in the form of a vegetative berm and greenscaping along the lot line between the subject property and the historic site at 15910 Emory Lane.

Scott D. Whipple, Supervisor

Historic Preservation Section | Functional Planning and Policy Division

Montgomery County Planning Department | M-NCPPC

Attachment-C

Time	Drop-off/ Pick-up	#'s based @127 Students		#'s based @160 Students		#'s based @180 Students	
		<u>Students</u> <u>Arriving</u>	<u>Teachers</u> <u>on site</u>	<u>Students</u> <u>Arriving</u>	<u>Teachers</u> <u>on site</u>	<u>Students</u> <u>Arriving</u>	<u>Teachers</u> <u>on site</u>
7:00 a.m. – 8:00 a.m.	Parent will park vehicle and escort children to building (11% of students arrive at this time)	14	11	18	11	20	12
8:00 a.m. – 9:00 a.m.	Parent will park vehicle and escort children to buildings. (33% of students arrive at this time)	42	19	53	19	59	20
9:10 a.m. – 9:30 a.m.	Parents drive children to gates, staff escorts children to their classes. (56% of students arrive at this time)	71	19	89	19	101	21

Pick-up:		<u>Students</u>	<u>Teachers</u>	<u>Students</u>	<u>Teachers</u>	<u>Students</u>	<u>Teachers</u>
		<u>Departing</u>	<u>on site</u>	<u>Departing</u>	<u>on site</u>	<u>Departing</u>	<u>on site</u>
12:10 p.m. – 12:30 p.m.	Parent pull up to the gate teacher assists children into their car and there is no parking. (19% of the students depart at this time)	24	22	31	22	34	26
3:30 p.m. -- 4:30 p.m.	Parent parks and picks up children from inside the buildings. (49% of students depart at this time)	62	19	78	19	88	21
4:30 p.m. – 6:30 p.m.	Parent parks and picks up children from inside the buildings. (32% of students depart at this time)	41	9	51	9	58	11

Currently there are a total of 30 staff members. We have 17 that we would consider "full-time" staff members (working 6 hours or more). The remaining 13 would be considered "part-time" and work varying hours. Below is a precise break out of staff by the hour. Going up to 180 students would cause us to add an additional 4 staff members.

<u>Time</u>	<u>Staff up to</u> <u>160 Students</u>	<u>Staff up to</u> <u>180 Students</u>
7:00 a.m.	2	3
8:00 a.m.	11	13
9:00 a.m.	19	23
10:00 a.m.	19	23
11:00 a.m.	20	24
12:00 p.m.	22	26
1:00 p.m.	23	27
2:00 p.m.	22	25
3:00 p.m.	19	21
4:00 p.m.	9	11
5:00 p.m.	4	6
6:00 p.m.	4	4

MINUTES OF PRESUBMISSION COMMUNITY MEETING

February 24, 2011

Project

Norbeck Montessori Day School, Inc.

15920 Emory Lane, Rockville

Preliminary Plan of Subdivision and
Special Exception (S-2802) for Private Educational Institute

Meeting Location

Norbeck Montessori Day School

4500 Muncaster Road, Rockville

Minutes Prepared by: Sue Carter, Esq., Miller, Miller & Canby

The meeting commenced at approximately 7:00 p.m.

There were approximately 25 - 30 attendees from the community as well as representatives of the Applicant. Applicant's representatives included:

- Sue Carter, Esq. – Land Use Attorney with Law Firm of Miller, Miller & Canby
- Brian Donnelly – Site Planner and Landscape Architect with Civil Engineering Firm of Macris, Hendricks and Glascock
- Mike Lenhart – Traffic Engineer with Traffic Consulting Firm of Lenhart Traffic Consulting, Inc.
- Keira Rakestraw – Director of Norbeck Montessori Day School, Inc.
- Wyatt Bissett
- Ryan Bissett
- Tara Bissett

Topics of discussion included:

- Overview of process and status of special exception and preliminary plan applications
- Description of proposal, including hours/days of operation, number of students and staff, general procedure for drop-off/pick-up of students, location of proposed improvements, etc.
- The majority of questions/discussion concerned the impact of traffic on Emory Lane and the intersection of Emory Lane/Muncaster Mill Road.
- Mike Lenhart explained LATR and PAMR and addressed his findings with regard to traffic during the peak hours including the conclusion that the proposed development satisfies all pertinent transportation requirements, will have no adverse impact on the road systems, and satisfies the LATR and PAMR Guidelines. Concern was expressed by several in attendance that LATR and PAMR are not effective.

- Questions/concerns were raised about the impact of the ICC on the traffic along Emory Lane. In particular, concern was expressed that the opening of the ICC would cause traffic along Emory Lane to worsen as there would be more “cut through” traffic. Others agreed that it appeared that traffic had been lighter on Emory in the two days since the opening of the ICC. Mr. Lenhart responded that it was his opinion that traffic along Emory Lane would be reduced as a result of the ICC opening.
- There was also discussion about some motorists circulating through other neighborhood streets in the morning to avoid the intersection of Muncaster Mill Road and Emory Lane. There was also a suggestion that traffic circulating through Brooke Manor development is problematic for that community and may worsen with the opening of the ICC.
- Concern was also expressed that the vehicles queuing along Muncaster Mill Road in the morning would potentially impede access into and out of the site. A suggestion was made that the School consider whether limiting turning movements to right-in, right-out during morning peak hours would help to facilitate the flow of traffic.
- Adequacy of sight distance was discussed
- Interest in establishing best location of proposed driveway vis-à-vis residential driveway across Muncaster Mill Road was addressed
- Question was raised about the possibility of installing a signal at Muncaster Mill/Emory Lane
- Suggestion was made about exploring possibility of adding a new lane to Muncaster Mill Road; Not all agreed that this would be desirable as comment was also made concerning a desire to maintain the rural feel of Emory Lane by not adding another lane
- Question concerning whether bikeway would be required
- Concern with condition of existing Emory Lane (pavement, hills)
- Observation was made that morning sun in the eyes of motorists at Muncaster Mill/Emory intersection creates some difficulty
- Suggestion made to consider whether the possible installation of lane divide on Muncaster Mill Road to encourage use of acceleration lane when making a right turn onto Muncaster Mill Road (belief that back-up is partially due to the fact that motorists are hesitant to use that merge lane)
- Concern about speed of some motorists traveling on Emory Lane
- Applicant explained that not all vehicles are transporting a single child and that there also siblings who attend the school
- The School’s Director indicated that in recently conducting her own review of current enrollment, the vast majority (approximately 80%) of parents are already using Emory Lane because they come from surrounding communities or communities further north in the Olney area. Accordingly, Applicant believes that the estimates used by the traffic engineer are very conservative and that the relocation of the School will have less impact on current traffic along Emory than is anticipated.
- Question was raised whether a crossing guard might be permitted and whether that would be helpful. Another resident pointed out that in locations where a

crossing guard is used (e.g., Sandy Spring Friends), there is a much larger student population and much less staggering of arrival/departure times.

- Adequacy of overflow parking during special events was addressed by the Applicant.
- Applicant explained that busiest period during the morning is during the drop-off period between 9:10 and 9:30, just before the instruction period begins.
- Non-traffic related questions included a question about the amount of impervious surface area and the location of sewer vis-à-vis the property.
- Favorable comments were made about the School and its value to the community
- All in attendance were encouraged to sign-in and indicate desire to be added to the distribution list

The meeting concluded at approximately 8:30 p.m.

Tesfaye, Elsabet

From: Sue Carter [SWCarter@mmcanby.com]
Sent: Thursday, April 14, 2011 12:42 PM
To: Tesfaye, Elsabet
Subject: Community Meetings

Elsabet,

We have had several meetings with the community concerning the proposed Norbeck Montessori Day School. On February 24th, we hosted a community meeting at the existing school to discuss both the proposed special exception as well as the preliminary plan that has now been filed. On April 6th, we met with the Olney Chamber of Commerce and presented our plans. We made a similar presentation to the Greater Olney Civic Association ("GOCA") on April 12th at their regular monthly meeting.


Sue Carter
Miller, Miller & Canby
200-B Monroe Street
Rockville, Maryland 20850
301-762-5212 (Telephone)
301-762-6044 (Facsimile)
swcarter@mmcanby.com



MONTGOMERY COUNTY PLANNING DEPARTMENT
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

April 26, 2011

To: Elsabett Tesfaye
Area 3 Planning Team

From: Frederick Vernon Boyd 
Area 3 Planning Team

Subject: Special Exception—Norbeck Montessori School

The 2005 *Olney Master Plan* makes no general recommendations for this portion of Olney; its focus is on the town center and on developable areas in the planning area's southeast quadrant, along Batchellors Forest Road. Just two properties west of Georgia Avenue—a publicly-owned property along the InterCounty Connector right-of-way and the Norbeck Country Club—are discussed in the Plan. The Plan recommends use of the first as mitigation for the new highway. It recommends low density development in the Rural Neighborhood Cluster Zone for the country club, and includes the property in a Special Protection Area and an Environmental Overlay Zone to minimize imperviousness.

The petitioner's proposed site is also in the Upper Rock Creek watershed. Although the Plan did not include the Emory Lane area in the Special Protection Area, the Environmental Resources chapter acknowledges the good-to-excellent water quality in this portion of the watershed. Recognizing that imperviousness would be of concern in this area, the Plan makes a specific recommendation on imperviousness when special exception uses are proposed, stating that special exception uses with excessive imperviousness should be discouraged. (p 42) The Plan also urges that building character, bulk and massing, parking facility design and necessary lighting be in keeping with adjacent residential neighborhoods.

The petitioner has indicated that imperviousness associated with the proposed school will total about 20 percent of the property; the existing uses on the property are about 15 percent impervious. In excluding this area from the Special Protection Area, the Plan notes that the portion of the watershed south of MD 108 is largely developed and that remaining developed land is widely scattered. The Plan recommended extension of the Special Protection Area to a large remaining parcel in the area, and includes that property (the Norbeck Country Club) in an environmental overlay zone with an

impervious cap. The Plan notes that “imposition of an SPA or an imperviousness cap on other new development would not have a measurable impact on the watershed and could make almost all existing uses non-conforming...” It should also be noted that the InterCounty Connector runs through this portion of the watershed.

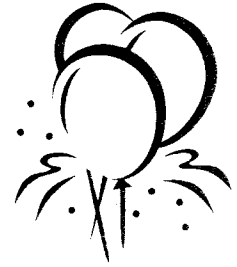
In the absence of clear indicators that imposed reductions of imperviousness would be beneficial, the increase in imperviousness associated with a use that is, with the additional scrutiny afforded by the special exception process, generally considered acceptable in residential areas, does not constitute a significant negative impact on the environmental health of this portion of the Upper Rock Creek watershed. The levels of imperviousness proposed for this project do not meet a reasonable definition of excessive that would conflict with the Plan’s recommendation.

The petitioner’s decision to reduce enrollment and staffing at the proposed center should contribute to reductions in needed parking that can enhance compatibility. Whether these reductions are sufficient to maintain residential character is less certain. The petitioner has proposed buildings with a residential look and the size of the property enables these buildings to “read” as outbuildings like those that might be found on a farm. Lighting can also be unobtrusively designed and located to minimize a commercial appearance while still providing adequate security.

Attachment-D

Norbeck Montessori

4500 Muncaster Mill Road * Rockville, MD 20853
301-924-4233 * www.norbeck.com * liz@norbeck.com



April 6, 2011

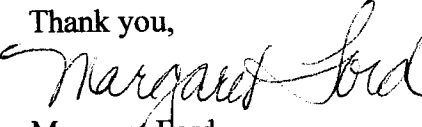
Dear Mr. Grossman,

I am writing today on behalf of Norbeck Montessori Center's planned move to our new site on Emory Lane (**Norbeck Montessori Day School, case # S-2802**). I have taught at NMC for 34 years and also sent our 2 sons to Norbeck when each turned 2. It was an amazing few years for each of our sons, as well as all the students I've taught during my years there. I have had many families return as another child in the family turns 2, and lately we've accepted children of former students. 2 current staff members are former students! Certainly this speaks to Norbeck's longevity and value to the community. Our wonderful leader, mentor and friend – Liz Bissett- was always eager to support local businesses any way she and her school could. She was insistent that it was the neighborly thing to do; as a result we have seen the same people doing the weekly/monthly yard work and winter prep work around school, the same plumbers as the toilets get clogged (remember the young child's fascination with swirling water and toys!!!), as well as the same delivery people for our twice weekly hot lunch offerings for interested children/parents, and we will continue to need these services when we move to the Emory Lane location.

Through most of my teaching years I've driven down Emory Rd. to Muncaster Mill Rd. arriving at school between 8:45-9:00 M-F. For many years I came to a standstill and then inched along on Emory eventually crawling slowly, slowly around the curves and finally got my chance to turn onto Muncaster Mill Rd. As soon as the ICC opened I noticed a marked decrease in the amount of traffic using Emory. What a pleasant surprise! Parents have also commented on the decrease in traffic on Emory as they pick up/drop off their children at school. Since most of our students arrive before 9 am we never have a back up on Muncaster Mill Rd. or in our parking lot. As we plan our move to Emory we will continue with our current drop off/pick up schedules; since traffic is minimal at these times the few cars turning off/onto Emory Lane will remain negligible.

I expect that our future neighbors will be happy to have our school as a neighbor. We are open the same hours most people are working away from home. We infrequently have evening or weekend events. It seems like a good fit for the many families we serve as well as the larger community, without increasing traffic issues in the area. I strongly encourage you to support our proposed move to Emory Lane.

Thank you,


Margaret Ford

Montgomery County
RECEIVED

★ APR 11 2011 ★

★ Planning Department ★

April 7 2011

Mr. Martin L. Grossman, Esquire
Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
100 Maryland Ave.
Rockville, MD 20850

Dear Mr. Grossman,

This is in reference to the case "Norbeck Montessori Day School". Special Exception Case number S-2802.

We are writing to you as members of the Norbeck Montessori Parent Community. Our Children are students in this school. We have learned that the school is planning to move to a new location on Emory Lane. We are in full support of this plan.

Norbeck Montessori is a well managed school that provides excellent early child care and education to many families in this community. The school is very well run, organized, committed and reliable.

Currently Norbeck Montessori is located on Muncaster Mill. In the past 3 years in which we have been members of the school, we have never experience any back up of traffic, neither on Muncaster Mill nor inside the parking lot of the school. I attribute this to the well organize drop-off line and the staggered entry and exit time of students as they have different programs and schedules depending on the needs of families and kids. Therefore we would not expect any traffic problem on Emory Lane as they move.

We believe Norbeck Montessori is an asset to the education of the children in the community and we ought to facilitate this project that aims at improving its facilities and therefore improving the service they provide to the community.

Yours truly,



Ronald Carr and Aurora Nieto
4820 Bel Pre Rd
Rockville, MD 20853

Cc:
Elisabett Tesfaye
Development Review
Maryland-National Capital Park & Planning Commission
8787 Georgia Ave.
Silver Spring, MD 20910

Sue Carter, Esq.
Miller, Miller & Canby
200-B Monroe St.
Rockville, MD 20850